

Vincent S. Cimini, Esq.
PA#60463
Sal Cognetti, Jr., Esq.
PA#17269
FOLEY, COGNETTI, COMERFORD,
CIMINI & CUMMINS
507 Linden St.
700 Electric Bldg.
Scranton, PA 18503
346-0745

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and	:
JANE DOE,	:
Plaintiffs	:
	:
vs.	:
	:
FATHER ERIC ENSEY, FATHER CARLOS	:
URRUTIGOITY, DIOCESE OF SCRANTON,	DOCKET NO. 3:CV-02-0444
BISHOP JAMES C. TIMLIN, THE	:
SOCIETY OF ST. JOHN, THE PRIESTLY	:
FRATERNITY OF ST. PETER, and	:
ST. GREGORY'S ACADEMY,	(JOHN E. JONES, III)
Defendants	:

*

DEFENDANT, THE SOCIETY OF ST. JOHN'S MOTION
FOR SUMMARY JUDGMENT OF FATHER ERIC ENSEY, FATHER CARLOS
URRUTIGOITY AND THE SOCIETY OF ST. JOHN PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE NO. 56
(Electronically Filed)

Defendants, Father Eric Ensey, Father Carlos Urrutigoity and the Society of St. John, by and through their attorneys, FOLEY, COGNETTI, COMERFORD, CIMINI & CUMMINS, hereby move this Court, pursuant to Federal Rule of Civil Procured No. 56, for the entry of summary judgment in their favor and

against the Plaintiffs as follows:

1. The minor Plaintiff, John Doe, alleged in his Complaint that he was sexually abused as a minor by the individual Defendants, Father Erie Ensey and Father Carlos Urrutigoity.

2. Plaintiff John Doe's claims are barred by the statute of limitations.

3. Plaintiff John Doe's alleged sexual abuse by Defendant Father Carlos Urrutigoity allegedly occurred by Plaintiff's own admissions after Plaintiff John Doe attained the age of majority.

4. The Plaintiff parents' claims are barred since they cannot recover for infliction of emotional distress as they were not present during any of the alleged incidents of assault.

Respectfully submitted,

FOLEY, COGNETTI, COMERFORD,
CIMINI & CUMMINS

BY: _____
VINCENT S. CIMINI, ESQ.
SAL COGNETTI, JR., ESQ.
ATTORNEYS FOR DEFENDANTS
FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY AND
SOCIETY OF ST. JOHN

DATE: June 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT THE SOCIETY OF ST. JOHN'S MOTION FOR SUMMARY JUDGMENT OF FATHER ERIC ENSEY, FATHER CARLOS URRUTIGOITY AND THE SOCIETY OF ST. JOHN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE NO. 56 was served upon counsel of record herein by first class, United States mail, postage prepaid, on the 4th day of June, 2004 in the instant action addressed as follows:

James Bendell, Esq.
P. O. Box 587
2535 Ivy Street
Port Townsend, WA 98368

Harry T. Coleman, Esq.
148 Adams Avenue
Scranton, PA 18503
(Co-Counsel for Plaintiffs)

Joseph O'Brien, Esq.
OLIVER, PRICE & RHOADES
1212 S. Abington Road
P. O. Box 240
Clarks Summit, PA 18411
And
James O'Brien, Esq.
538 Spruce Street, Suite 504
Scranton, PA 18503
(Both are counsel for
Diocese of Scranton
And
Bishop James C. Timlin)

Joseph F. Leeson, Jr., Esq.
LEESON & LEESON
70 East Broad Street
P. O. Box 1426
Bethlehem, PA 18016
(Counsel for Priestly Fraternity of Saint Peter
and Saint Gregory's Academy)

FOLEY, COGNETTI, COMERFORD
& CIMINI

BY:

VINCENT S. CIMINI, ESQ.

